

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

AMBER J. WILLIAMS,

Plaintiff,

vs.

CANDICE OSTERMAN, et al.,

Defendants.

CV 20–23–H–DLC–JTJ

ORDER

Before the Court is United States Magistrate Judge John T. Johnston’s findings and recommendations regarding Plaintiff Amber Williams’ failure to serve process or to request that the U.S. Marshals Service complete service of process on Defendant “AYA staff member Chris (last name unknown).” (Doc. 56.) Judge Johnston recommends that all claims against Defendant AYA staff member Chris (last name unknown) be dismissed under Rule Fed. R. Civ. P. 4(m). (*Id.* at 1–2.) No party objected.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). In the absence of an objection, this Court reviews findings for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error review is “significantly deferential” and exists when the Court is left with a

“definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 56) is ADOPTED in full.

IT IS FURTHER ORDERED that all claims against Defendant AYA staff member Chris (last name unknown) are dismissed without prejudice. Fed. R. Civ. P. 4(m).

DATED this 6th day of October, 2021.



Dana L. Christensen, District Judge
United States District Court